



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

APPLICANT: PREUKSCHAT

EXAMINER: BENJAMIN A. PEZZLO

SERIAL NO.: 10/008,895

GROUP ART UNIT: 3683

FILED: DECEMBER 7, 2001

FOR: CONTROLLABLE VIBRATION DAMPER WITH POWER DAMPING CONTROL

December 15, 2003

RESPONSE

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**RECEIVED**  
**DEC 31 2003**  
**GROUP 3600**

S I R:

In response to the Office Action of November 13, 2003,  
please consider the following remarks:

# REMARKS

Applicant has carefully considered the Examiner's Office Action and finds that the Examiner is in error in asserting that the reference patent to Corradini et al. (6,467,593) discloses a fix bypass valve with a non-varying constricted flow cross-section paralleling a flow-regulating system, as provided by applicant.

According to the Office Action, the reference patent to Corradini in Figure 1 discloses a fixed bypass with non-variable flow cross-section, particularly with respect to the components 13 and 16. For this purpose, the Examiner cites Figure 1b, column 5, lines 58-67.

This part of the specification, however, relates to the construction of the valve in accordance with what is disclosed in Figure 1b, in which the passage through the tube 12 leads to the line 24 or 25.

This passage is formed from the cross-sections 15, 19 and 20.

The description of the specification referred to by the Examiner (column 5, lines 58 to 67) relates, however, particularly to Figures 10 to 13, as described in the paragraph beforehand in column 5, lines 48 to 58.

Figures 10 to 13 of the reference patent to Corradini disclose uniquely and clearly that the bypass cross-section of elements 15, 19 and 20 is widely opened and closed by means of the valve slider 14 and 18.

Accordingly, it is clearly shown that the reference patent to Corradini discloses a variable bypass cross-section which is largely opened or closed depending on the pressure difference.

It is submitted, therefore, that the Examiner is in error in asserting that the reference patent to Corradini discloses a "fixed bypass valve with a non-varying cross-section."

Since a fixed bypass valve with a non-varying constricted flow cross-section is an essential structure of applicant's invention, and since the base claim 1 includes this limitation, it is believed that the base claim 1 should be found allowable.

Claim 6 which is dependent on the base claim 1 and limits claim 1 further should thereby also be found allowable.

The Examiner has applied the reference patents to Jensen, Miller, and Nezu, for disclosing electrically variable valves. Applicant, however, does not claim such electrically variable valves per se. Applicant claims such means only in combination with all of the other structure and limitations as defined in the parent claim 1. Accordingly, these additional references have no material bearing on applicant's invention.

Applicant respectfully requests that the Examiner grant a telephone interview for the purpose of discussing this application, after the Examiner receives the present response.

Respectfully submitted,

IN WITNESS WHEREOF, the undersigned, being duly sworn, has hereunto set his hand and the seal of the United States Patent Office at Washington, D. C. 20535, on 12-19-03  
\_\_\_\_\_  
MAX FOGIEL  
Name of applicant, inventor, or  
Registered Representative  
\_\_\_\_\_  
Max Fogiel  
Signature  
\_\_\_\_\_  
12-19-03  
Date of Signature

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